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In the Honble High Court of Chhattishgarh at Bilaspur (C. G.)

W.P. No.....1463..... 2006

Single Bench

P.R. No. 6486/05
Presented by Shri Ajay Shrivastava
dated 20/12/05

Petitioner ..... Aeman Jain aged 35 years son of Shri Daulatram Jain, Assistant Teacher, Government Middle School, Golekumadha Post-Charama, District-Kanker (C.G.)

Versus

Respondents .....1. The State Government of Chhattishgarh, Through the Secretary, School Education Department Ministry, D.K.S., Bhavan, Raipur (C.G.)

2. Assistant Commissioner, Tribal Development, Kanker (C.G.)

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Writ petition under Articles 226/227 of the Constitution of India for the issuance of writ in the nature of mandamus certiorari, prohibition and for other suitable writ/writs, order/orders, and direction/directions.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.1463 OF 2006

Petitioner	:	Aeman Jain
	Versus	
Respondents	:	The State Government of Chhattisgarh and another

Present : Mr. Ajay Shrivastava, counsel for the petitioner.
Mr. Arun Sao, Government Advocate for the respondents/ State.

ORDER
(Passed on 10th of November, 2006)

By this petition under Articles 226/227 of the Constitution of India, the petitioner seeks a direction to the respondents to pay the increments and seniority on the basis of the date of his initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.1452 of 1998 (*Harish Chand Singh and others vs. State of M.P. and others*) dated 31-1-2000, Original Application No.802 of 1998 (*Akhilesh Mishra and others vs. State of Madhya Pradesh and others*) and Original Application No.991 of 1998 (*Ramayan Prasad Dwivedi and others vs. State of M.P. and others*).

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2. Learned counsel appearing for the petitioner has filed a copy of the order dated 6-4-2005 (Annexure P-3) passed by this Court in Writ Petition No.1331 of 2005 (*Dharam Raj Mandavi vs. State of Chhattisgarh and another*) and submits that the petitioner is similarly situated, therefore, he should be given parity.

3. The case of the petitioner is that he was appointed as Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioner was regularized, but, he was not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 31-1-2000, allowed the same. The petitioner made several representations to accord the same treatment as he is also similarly situated teacher, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioner and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000, to which learned counsel for the respondents/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioner appears to be reasonable. Therefore, the petitioner is allowed to make

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a representation within a period of two weeks from today to respondent No.1, raising all his grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioner and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in Original Application No.1452 of 1998, and if the petitioner stands on the same footings, as the petitioners in the Original Application No.1452 of 1998, then he be also sanctioned the same pay-scale and seniority.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge